REMARKS

Claims 32–40 are pending in the application.

Claims 32–37 and 39 stand rejected; claims 38 and 40 are objected to, but otherwise allowable.

By its amendments herein to the claims, Applicant has cancelled claims 33-35, 37, 38 and 40 and added new claims 41–47.

Thus, claims 32, 36, 39, and 41-47 are presented for favorable reconsideration.

Applicant respectfully traverses the Examiner's assertion that Allen '556 anticipates the invention of the pending claims under either 102(b) or 103(a) and, more particularly, that Allen teaches Applicant's vertically oriented truss members that are attached to and extend from the foundation wall. The vertically oriented truss members that are attached to and extend from the foundation wall are important and integral to the invention and, together with the other members set forth in the claims, provide the wall with internal bracing and the ability to bear greater loads than similar walls and to perform exceptionally well under the unusual loads produced by earthquakes.

Allen '566 is directed to a straw bale wall structure composed of bales of straw and a variety of metal components including a series of horizontal trusses and vertical rods 20. The trusses 17 shown in Fig. 4 are disposed horizontally between rows of bales 14, as described in Col. 4, lines 27-29 (". . . trusses 17 act as <u>horizontal</u> beams to accommodate wind and earthquake loads and the rod column bracing requirements"). The rods 20 penetrate the interior on the bales 14 (Col. 14, line 20).

Thus, Allen '566 teaches a system wherein the vertical loads are supported by column rods 20 which pass through the interior and are therefore internal to the bales 14, while the trusses 17 are disposed horizontally between each of the rows of bales 14.

Applicant does not agree that Allen members 16-18, 20, 34A and 34B combine to form a plurality of vertically oriented bracing ladders attached to the foundation wall at spaced apart locations along the length of the foundation wall, or that pairs of rails 20 are connected by struts 22 to form ladder trusses 17, 18. As asserted at page 2 of the Office Action.

The only vertically oriented elements in Allen are rods 20 which are anchored in the foundation wall 12 along its center line. (Col. 4, l. 5-6.) Thus, any pair of rods 20 (that could possibly be considered the rails of a truss) necessarily lie in a plane parallel to the length of wall 12 and not transverse thereto as specified in the claims (claim 32. for example: " . . . whereby the common plane of said ladders is transverse to the length of said foundation wall . . ."). Further, while Allen's rods 20 penetrate the interior of the bales, Applicants bracing ladders do not according to the amended claims.

Allen's numeral designation 17 refers to a horizontal truss (Col. 4, l. 4-5) which is not "vertically oriented". Numeral designations18 refer to the horizontal rails (chords) of truss 17 (Fig. 4; Col. 4, l. 32), and not to "vertically oriented rails". Designation 16 refers to the overall skeletal framework (Col. 3, l. 65). Numeral designations 34a and 34b are locking nuts that locate the horizontal trusses on rods 20. (Col. 4, l. 33–38.)

Thus, the arrangement of the elements designated by numerals 16-18, 20, 34a and 34b do not disclose "a plurality of vertically oriented bracing ladders attached to the foundation wall at spaced apart locations along the length of the foundation wall wherein each said ladder is a truss formed by a pair of spaced apart vertically oriented rails and struts affixed to and connecting said rails with said struts and rails lying in a common plane, said ladders being disposed at locations on said foundation wall whereby the common plane of said ladders is transverse to the length of said foundation wall", as recited in the claims.

Based on the foregoing, Applicant requests that the claims now in the application be allowed.

Respectfully submitted,

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By

H. Michael Brucker, Esq.
Reg No. 19,737
H. Michael Brucker Law Corp.
5855 Doyle Street, Suite 110
Emeryville, CA 94608
(510) 654-6200